

H.B. 323 (Zaffirini) Relating to the classification of federal offenses as delinquent conduct for the purposes of state law. (30-0) (30-0)

H.B. 1218 (Brown) Relating to a clarification of a commercial landlord's remedies for nonpayment of rent. (30-0) (30-0)

H.B. 1300 (Brown) Relating to certain technical and clarifying corrections to the Property Code. (30-0) (30-0)

**CONCLUSION OF SESSION FOR LOCAL AND
UNCONTESTED BILLS CALENDAR**

The Presiding Officer announced that the session for consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Harris of Dallas, the Senate at 8:42 a.m. adjourned until 9:00 a.m. today.

**FORTY-EIGHTH DAY
(Thursday, April 15, 1993)**

The Senate met at 9:00 a.m. pursuant to adjournment and was called to order by Senator Haley.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Sims.

A quorum was announced present.

(President in Chair)

Charles Wright, former administrator of Texas Baptist Children's Home, Round Rock, offered the invocation as follows:

Our dear heavenly Father and our God, we thank You for Your extensive provisions and blessings in our behalf. You have taught us: "Come unto Me all ye that are weary and heavy-laden; come, I will give you rest."

We are aware that one of Your greatest gifts is wisdom. We are grateful for this Senate and all the staff. May Your wisdom be their gift today and always. May each find rest in body and soul today. In Christ's name we pray. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

On motion of Senator Leedom, Senator Sims was granted leave of absence for today on account of illness in the family.

CO-AUTHORS OF SENATE JOINT RESOLUTION 13

On motion of Senator Lucio and by unanimous consent, Senators Bivins, Ratliff, Sibley, and Carriker will be shown as Co-authors of S.J.R. 13.

CO-SPONSORS OF HOUSE BILL 63

On motion of Senator Shapiro and by unanimous consent, Senators Shelley and Moncrief will be shown as Co-sponsors of H.B. 63.

PERMISSION TO INTRODUCE BILLS

On motion of Senator Truan and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills:

S.B. 1364	S.B. 1371
S.B. 1365	S.B. 1372
S.B. 1366	S.B. 1373
S.B. 1367	S.B. 1374
S.B. 1368	S.B. 1375
S.B. 1369	S.B. 1376
S.B. 1370	S.B. 1377

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

S.B. 1364 by Shelley	Intergovernmental Relations
Relating to municipal civil service in certain municipalities.	
S.B. 1365 by Shelley	Intergovernmental Relations
Relating to the extraterritorial jurisdiction of certain municipalities.	
S.B. 1366 by Shelley	Intergovernmental Relations
Relating to the requirement that certain home-rule municipalities obtain the consent of the voters in certain subdivisions before annexing the subdivisions.	
S.B. 1367 by Armbrister	Intergovernmental Relations
Relating to the establishment of and the areas subject to city water pollution control programs and ordinances.	
S.B. 1368 by Armbrister	Intergovernmental Relations
Relating to the itemization of certain pollution control expenditures in municipal budgets.	
S.B. 1369 by Armbrister	Intergovernmental Relations
Relating to the establishment of and the areas subject to municipal ordinances to control or abate air or water pollution.	

S.B. 1370 by Sims Natural Resources
Relating to the management of water resources in the counties of Atascosa, Bexar, Caldwell, Calhoun, Comal, DeWitt, Frio, Goliad, Gonzales, Guadalupe, Hays, Jackson, Karnes, Kinney, Medina, Uvalde, Victoria, and Wilson; making an appropriation.

S.B. 1371 by Parker, Lucio Education
Relating to the regulation and operation of proprietary schools.

S.B. 1372 by Parker Natural Resources
Relating to purchases and contracts of the Jefferson County Drainage District No. 7 and the authority of the manager of the district to hire and terminate employees of the district.

S.B. 1373 by Parker Natural Resources
Relating to the creation, administration, powers, including taxing powers, duties, operations, financing, and dissolution of the Town Center Improvement District of Montgomery County, Texas, and the power of certain entities to contract with the district.

S.B. 1374 by Rosson Intergovernmental Relations
Relating to the regionalization of utility services in El Paso County by providing for consolidation of certain water and wastewater service corporations and utility districts into a regional utility, and methods for planning, funding and operation of a regional utility.

S.B. 1375 by Ratliff Education
Relating to the right of parents of educationally disadvantaged children to choose the school their children attend through the use of education scholarships.

S.B. 1376 by Ratliff Education
Relating to public schools.

S.B. 1377 by Ratliff, Ellis, Bivins, Nelson, Shapiro Education
Relating to public school accountability.

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House was read first time and referred to the committee indicated:

H.J.R. 57 to Committee on Jurisprudence.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
April 15, 1993

TO THE SENATE OF THE SEVENTY-THIRD LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE FINANCE COMMISSION OF TEXAS for a term to expire February 1, 1996:

HUBERT BELL, JR.

P. O. Box 12864

Austin, Texas 78711

Mr. Bell will be filling the unexpired term of Dary Stone of Dallas, who resigned.

TO BE A MEMBER OF THE TEXAS COUNCIL ON OFFENDERS WITH MENTAL IMPAIRMENTS for a term to expire February 1, 1995:

BELINDA JOY HILL

9800 Pagewood #2104

Houston, Texas 77042

Ms. Hill will be filling the unexpired term of Kevin Chapman of Dallas, who resigned.

TO BE A MEMBER OF THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING for a term to expire January 31, 1997:

RAY CHARLES JONES

6019 Mohawk Street

Houston, Texas 77016

Mr. Jones will be replacing Walter Fortney of Fort Worth, whose term expired.

TO BE MEMBERS OF THE TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY for terms to expire January 31, 1999:

FRANK W. MARESH

2240 Chilton

Houston, Texas 77019

Mr. Maresh will be replacing Frank W. Hillier, Jr., of Dallas, whose term expired.

ROEL "ROY" MARTINEZ

200 West Jackson

McAllen, Texas 78501

Mr. Martinez will be replacing William H. Quimby of Dallas, whose term expired.

Respectfully submitted,

/s/Ann W. Richards

Governor of Texas

SENATE BILL 1270 REREFERRED

On motion of Senator Bivins and by unanimous consent, S.B. 1270 was withdrawn from the Committee on Criminal Justice and was rereferred to the Committee on Natural Resources.

GUEST PRESENTED

The President acknowledged the presence in the Senate of Representative Ron Wilson.

The Senate welcomed Representative Wilson.

GUEST PRESENTED

Senator Sibley was recognized and acknowledged the presence in the Senate of Representative Ben Campbell.

The Senate welcomed Representative Campbell.

SENATE BILL 532 REREFERRED

On motion of Senator Whitmire and by unanimous consent, S.B. 532 was withdrawn from the Committee on Criminal Justice and was rereferred to the Committee of the Whole Senate on Redistricting, Ethics and Elections.

SENATE BILL 1067 REREFERRED

On motion of Senator Whitmire and by unanimous consent, S.B. 1067 was withdrawn from the Committee on Criminal Justice and was rereferred to the Committee of the Whole Senate on Redistricting, Ethics and Elections.

SENATE BILL 1068 REREFERRED

On motion of Senator Whitmire and by unanimous consent, S.B. 1068 was withdrawn from the Committee on Criminal Justice and was rereferred to the Committee of the Whole Senate on Redistricting, Ethics and Elections.

CAPITOL PHYSICIAN

The President recognized Senator Barrientos, who presented Dr. Kerry Rhodes of Austin as the "Doctor for the Day."

Dr. Rhodes, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was made welcome by the Senate.

COMMITTEE SUBSTITUTE**SENATE BILL 471 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 471, Relating to the waste tire recycling program; providing for civil penalties and injunctive relief.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE**SENATE BILL 471 ON THIRD READING**

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 471 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Haley.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

HOUSE BILL 771 ON SECOND READING

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 771, Relating to treatment and care of persons with mental retardation.

The bill was read second time.

Senator Rosson offered the following amendment to the bill:

Amend **H.B. 771** as follows:

On page 6, line 24, add new SECTIONS 18, 19, and 20 to read as follows and renumber the current SECTIONS 18 and 19 as SECTIONS 21 and 22 respectively:

SECTION 18. Subchapter B, Chapter 415, Government Code, is amended by adding Section 415.037 to read as follows:

Sec. 415.037. CERTIFICATION OF SPECIAL OFFICERS FOR MENTAL HEALTH ASSIGNMENT. (a) The commission may certify a sheriff, sheriff's deputy, justice of the peace, constable, or municipal police officer as a special officer for mental health assignment if the peace officer has:

(1) successfully completed a training course in emergency first aid and lifesaving techniques approved by the commission;

(2) successfully completed a training course in mental health issues administered by the commission; and

(3) passed an examination administered by the commission that is designed to test the officer's:

(A) knowledge and recognition of the symptoms of mental illness and mental disabilities; and

(B) knowledge of mental health crisis intervention strategies.

(b) The commission may issue a professional achievement or proficiency certificate to an officer who meets the requirements provided by Subsection (a).

(c) The commission by rule may establish minimum requirements for the training, testing, and certification of special officers for mental health assignment.

SECTION 19. Section 531.001, Health and Safety Code, is amended by adding Subsection (g) to read as follows:

(g) It is the goal of this state to establish at least one special officer for mental health assignment in each county. To achieve this goal, the department shall assist a local law enforcement agency that desires to have an officer certified under Section 415.037, Government Code.

SECTION 20. Section 574.045, Health and Safety Code, is amended by amending Subsection (a) and by adding Subsections (e), (f), and (g) to read as follows:

(a) The court may authorize the transportation of a committed patient to the designated mental health facility by:

(1) a relative or other responsible person who has a proper interest in the patient's welfare and who receives no remuneration, except for actual and necessary expenses;

(2) the facility administrator of the designated mental health facility, if the administrator notifies the court that facility personnel are available to transport the patient; ~~or~~

(3) a special officer for mental health assignment certified under Section 415.037, Government Code; or

(4) the sheriff or constable, if no person is available under Subdivision (1), ~~or~~ (2), or (3).

~~(e) The patient may not be transported with a state prisoner.~~

~~(f) The patient may not be physically restrained unless necessary to protect the health and safety of the patient or of a person traveling with the patient. If the treating physician or the person transporting a patient determines that physical restraint of the patient is necessary, that person shall document the reasons for that determination and the duration for which the restraints are needed. The person transporting the patient shall deliver the document to the facility at the time the patient is delivered. The facility shall include the document in the patient's clinical record.~~

~~(g) The person transporting the patient shall give the patient reasonable opportunities to get food and water and to use a bathroom.~~

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Madla and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 771 ON THIRD READING

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H.B. 771 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 813 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 813, Relating to the regulation of certain consumer credit transactions; providing civil penalties.

The bill was read second time.

Senator Parker offered the following committee amendment to the bill:

Committee Amendment

Amend H.B. 813 as follows:

(1) On page 4, line 12, insert the following after the period following the word “purchaser”: “A seller may advance funds to retire an amount owed against a vehicle used as a trade-in vehicle and may finance repayment of those funds in a retail installment contract.”

(2) On page 7, line 16, insert the following after the period following the word “Act” and before the word “The”: “An action alleging a violation of Article 7.09, Title 79, Revised Statutes, based on an advance of funds by a seller to a purchaser to retire an outstanding indebtedness on a vehicle used by the purchaser as a trade-in vehicle may not be brought after the effective date of this Act.”

(3) Beginning on page 6, line 6, delete Section 6 of the bill, and insert the following new Section 6 of the bill:

SECTION 6. Section (b), Article 8.01, Title 79, Revised Statutes (Article 5069-8.01, Vernon’s Texas Civil Statutes), is amended to read as follows:

(b) Except as otherwise provided by a provision of this Subtitle, a ~~Any~~ person who violates this Subtitle ~~[or Chapter 14 of this Title]~~ by (i) failing to perform any duty or requirement specifically imposed on him by any provision of this Subtitle ~~[or Chapter 14 of this Title]~~, or by (ii) committing any act or practice prohibited by this Subtitle ~~[or Chapter 14 of this Title]~~, shall be liable to the obligor for a penalty calculated under one of the following procedures but not both:

(1) [it] an amount not to exceed three times the actual economic loss suffered by the obligor as a result of the violation, together with reasonable attorneys’ fees fixed by the court; or

(2) [equal to] an amount up to twice the time price differential or interest contracted for, charged, or received but not to exceed \$2,000 in a transaction in which the amount financed is \$5,000 or less, and not to exceed \$4,000 in a transaction in which the amount financed is in excess of \$5,000 and reasonable attorneys’ fees fixed by the court, if the court determines that the violation was material and the finder of fact determines that the violation induced the obligor to enter into a transaction into which the obligor would not have entered into had the violation not occurred.

The committee amendment was read and was adopted by a viva voce vote.

Senator Parker offered the following amendment to the bill:

Floor Amendment

Amend H.B. 813, Committee Printing, by deleting all language beginning with and including the word “If” on page 4, line 17, and ending with and including the period following the word “court” on page 4, line 28, and by inserting the following after the figure “(3)” on page 4, line 17:

"If, subsequent to the times specified in Article 8.01(c)(1) and (2) of this Act but prior to the obligor having given written notice of or having filed an action alleging a violation for which a penalty is provided in Article 8.01(b) of this Act, such violation is corrected as to such obligor by performing the required duty or act and written notice of such violation is given to such obligor, then the liability of any person to such obligor shall be limited in each transaction to a penalty calculated under one of the following procedures but not both:

(A) [in] an amount not to exceed the actual economic loss suffered by the obligor as a result of the violation, together with reasonable attorneys' fees fixed by the court; or

(B) an amount up to the [equal to the] time price differential or interest contracted for, charged, or received but not to exceed \$2,000 and reasonable attorneys' fees fixed by the court, if the court determines that the violation was material and the finder of fact determines that the violation induced the obligor to enter into a transaction into which the obligor would not have entered had the violation not occurred.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 813 ON THIRD READING

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H.B. 813 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Zaffirini.

Absent-excused: Sims.

HOUSE BILL 640 ON SECOND READING

On motion of Senator Haley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 640, Relating to an emergency appropriation to the Texas Forest Service to replace equipment and facilities destroyed by fire.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 640 ON THIRD READING

Senator Haley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H.B. 640 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 783 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 783, Relating to the powers and duties of the Automobile Theft Prevention Authority.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 783 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 783** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 407 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 407, Relating to the rehabilitation of individuals with disabilities and the administration of the Texas Rehabilitation Commission.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 407 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 407** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 13 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.J.R. 13, Proposing a constitutional amendment relating to the amount and expenditure of certain constitutionally dedicated funding for public institutions of higher education.

The resolution was read second time.

(Senator West in Chair)

Senator Montford offered the following amendment to the resolution:

Floor Amendment No. 1

Amend C.S.S.J.R. 13 as follows:

Delete SECTION 1 of the committee substitute, at page 1, lines 26-51 of the committee report printing, and insert the following:

SECTION 1. Article VII, Section 17(a), of the Texas Constitution is amended to read as follows:

(a) In the fiscal year beginning September 1, 1985, and each fiscal year thereafter, there is hereby appropriated out of the first money coming into the state treasury not otherwise appropriated by the constitution \$100 million to be used by eligible agencies and institutions of higher education for the purpose of acquiring land either with or without permanent improvements, constructing and equipping buildings or other permanent improvements, major repair or rehabilitation of buildings or other permanent improvements, ~~and~~ acquisition of capital equipment, library books and library materials, and paying for buildings or facilities used jointly for educational and general activities and for auxiliary enterprises to the extent of their use for educational and general activities. For the five-year period that begins on September 1, 2000, and for each five-year period that begins after that period, the legislature, during a ~~[During the]~~ regular session ~~[of the legislature]~~ that is nearest, but preceding, a five-year period, ~~[the beginning of each fifth fiscal year dating from September 1, 1985, the legislature]~~ may by two-thirds vote of the membership of each house increase ~~[adjust]~~ the amount of the constitutional appropriation for the ~~[ensuing]~~ five-year period ~~[years]~~ but may not adjust the appropriation in such a way as to impair any obligation created by the issuance of bonds or notes in accordance with this section.

The amendment was read and was adopted by a viva voce vote.

Senator Lucio offered the following amendment to the resolution:

Floor Amendment No. 2

Amend C.S.S.J.R. 13 in SECTION 2, in Subdivision (26), Article VII, Section 17(b), of the Texas Constitution (page 2, line 29), by striking "Waco, Amarillo, Harlingen, and Sweetwater".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Lucio and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 13 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.J.R. 13 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The resolution was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

(President in Chair)

SENATE BILL 324 ON SECOND READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 324, Relating to establishing the amount of bail in a criminal case.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 324 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 324** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

(Senator Harris of Dallas in Chair)

SENATE BILL 243 ON THIRD READING

Senator Leedom moved that the regular order of business be suspended and that **S.B. 243** be placed on its third reading and final passage.

S.B. 243, Relating to a fee to finance security services for buildings housing a district or county court.

The motion prevailed by the following vote: Yeas 23, Nays 6.

Yeas: Bivins, Brown, Haley, Harris of Tarrant, Harris of Dallas, Leedom, Lucio, Madla, Moncrief, Montford, Nelson, Patterson, Ratliff,

Rosson, Shapiro, Shelley, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Barrientos, Carriker, Ellis, Henderson, Luna, Parker.

Absent: Armbrister.

Absent-excused: Sims.

The bill was read third time.

Senator Leedom offered the following amendment to the bill:

Amend S.B. 243 by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to a fee to finance security services for buildings housing a county court, a county court at law, or a district court.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.017 to read as follows:

Art. 102.017. Court Costs: Courthouse Security Fund. (a) A defendant convicted in a trial for a felony offense in a district court shall pay a \$5 security fee as a cost of court.

(b) A defendant convicted in a trial for a misdemeanor offense in a county court, county court at law, or a district court shall pay a \$3 security fee as a cost of court.

(c) The clerks of the respective courts shall collect the costs and pay them to the county treasurer, or to any other official who discharges the duties commonly delegated to the county treasurer, for deposit in a fund to be known as the courthouse security fund. The fund may be used only to finance the following items when used for the purpose of providing security services for buildings housing a district or county court:

(1) the purchase or repair of X-ray machines and conveying systems;

(2) handheld metal detectors;

(3) walkthrough metal detectors;

(4) identification cards and systems;

(5) electronic locking and surveillance equipment;

(6) bailiffs, deputy sheriffs, deputy constables, or contract security personnel during times when they are providing appropriate security services;

(7) signage;

(8) confiscated weapon inventory and tracking systems; or

(9) locks, chains, or other security hardware.

(d) The courthouse security fund shall be administered by or under the direction of the commissioners court.

SECTION 2. Chapter 291, Local Government Code, is amended by adding Section 291.007 to read as follows:

Sec. 291.007. FEE FOR SECURITY. (a) The commissioners court

may set a fee not to exceed \$5 to be collected at the time of filing in each civil case filed in a county court, county court at law, or district court which shall be taxed as other costs. The county is not liable for the costs.

(b) In any civil case brought by the state or a political subdivision of the state in a county court, county court at law, or district court in a county in which the commissioners court has adopted a fee under Subsection (a) of this section in which the state or political subdivision is the prevailing party, the amount of that fee shall be taxed and collected as a cost of court against each non-prevailing party.

(c) The clerks of the respective courts shall collect the costs established by Subsections (a) and (b) of this section.

(d) If a commissioners court sets a security fee under Subsection (a) of this section, the county and district clerks shall collect a fee of \$1 for filing any document not subject to the security fee. The county is not liable for the costs. The county or district clerk, appropriate, shall collect this fee.

(e) Costs and fees collected under Subsections (c) or (d) of this section shall be paid to the county treasurer, or to any other official who discharges the duties commonly delegated to the county treasurer, for deposit in the courthouse security fund established by Article 102.017, Code of Criminal Procedure.

SECTION 3. This Act takes effect September 1, 1993, and applies only to a case or document filed on or after that date.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

By unanimous consent, the amendment was read and was adopted by a viva voce vote.

On motion of Senator Leedom and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

The bill as amended was finally passed by a viva voce vote.

RECORD OF VOTES

Senators Parker, Barrientos, Carriker, Ellis, and Henderson asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 787 ON SECOND READING

On motion of Senator Turner and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 787, Relating to the powers and duties of the Texas High-Speed Rail Authority.

The bill was read second time.

Senator Turner offered the following committee amendment to the bill:

Committee Amendment

Amend S.B. 787 as follows:

In Section 5, page 4, line 24, strike "board" and replace it with "commission".

The committee amendment was read and was adopted by a viva voce vote.

(Senator Ratliff in Chair)

Senator Moncrief offered the following amendment to the bill:

Floor Amendment

Amend S.B. 787 by striking all below the enacting clause and substituting the following:

SECTION 1. Section 1.02(2), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(2) "State agency" means:

(A) any department, commission, board, office, or other agency in the executive branch of state government created by the constitution or a statute of this state~~[-except the Texas High-Speed Rail Authority];~~

(B) the Supreme Court of Texas, the Court of Criminal Appeals of Texas, a court of civil appeals, or the Texas Civil Judicial Council; or

(C) a university system or an institution of higher education as defined in Section 61.003, Texas Education Code, as amended, other than a public junior college.

SECTION 2. Article 1, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by adding Section 1.05 to read as follows:

Sec. 1.05. AWARD OF FRANCHISE BY TEXAS HIGH-SPEED RAIL AUTHORITY. The award of a franchise by the Texas High-Speed Rail Authority under the Texas High-Speed Rail Act (Article 6674v.2, Revised Statutes) and its subsequent amendments is exempt from the provisions of this Act.

SECTION 3. Section 4(a), Texas High-Speed Rail Act (Article 6674v.2, Revised Statutes), is amended to read as follows:

(a)(1) The authority is administered by a board of directors composed of five ~~four~~ directors ~~[who shall occupy, respectively, places on the board to be designated Places 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11].~~

(2) Place 1 shall be occupied by the ~~[chairman of the State Highway and Public Transportation Commission or the chairman of the State Board of Transportation, whichever is applicable. This ex officio position is not a separate and distinct office but an additional duty imposed upon the chairman of the State Highway and Public Transportation Commission or State Board of Transportation.~~

~~[(3) Place 2 shall be occupied by the chairman of the Texas Turnpike Authority. This ex officio position is not a separate and distinct~~

office but an additional duty imposed on the chairman of the Texas Turnpike Authority.

~~[(4) Place 3 shall be occupied initially by the person who is the chairman of the board of directors or executive committee, as applicable, on June 16, 1989, of a metropolitan transit authority organized under the provisions of Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), containing a principal city with a population of 1.5 million or more according to the last preceding federal census. The person initially occupying Place 3 shall serve until June 1, 1993. Thereafter, or in the event of a vacancy, Place 3 shall be occupied by a person who is or has been a member of such a board or committee and who is appointed by the governor with the advice and consent of the senate.~~

~~[(5) Place 4 shall be occupied initially by the person who is chairman of the board of directors or executive committee, as applicable, on June 16, 1989, of a regional transportation authority organized under the provisions of Chapter 683, Acts of the 66th Legislature, 1979 (Article 1118y, Vernon's Texas Civil Statutes), that contains a subregion with a principal city having a population of 800,000 or more according to the last preceding federal census. The person initially occupying Place 4 in any case shall serve until the end of his term as a director of the authority as provided in Section 2 of this Act as originally enacted. Thereafter, or in the event of a vacancy, Place 4 shall be occupied by a person who is or has been a member of such board or committee and who is appointed by the governor with the advice and consent of the senate.~~

~~[(6) Place 5 shall be occupied by a person who is or has been a member of the executive committee, a subregional board of directors, or the board of directors of a regional transportation authority organized under the provisions of Chapter 683, Acts of the 66th Legislature, 1979 (Article 1118y, Vernon's Texas Civil Statutes), that contains a subregion with a principal city having a population of less than 800,000 according to the last preceding federal census and who is appointed by the governor with the advice and consent of the senate.~~

~~[(7) Place 6 shall be occupied by the] member of the Railroad Commission of Texas whose term expires in 1992 and the successor to that office. This ex officio position is not a separate and distinct office but an additional duty imposed on the office of railroad commissioner.~~

~~(3) Place 2 [(8) Places 7, 8, and 9 shall be occupied by persons appointed by the governor with the advice and consent of the senate.~~

~~[(9) Place 10] shall be occupied by the member of the Railroad Commission of Texas whose term of office expires in 1994 and the successor to that office. This ex officio position is not a separate and distinct office but an additional duty imposed on the office of railroad commissioner.~~

~~(4) Place 3 [(10) Place 11] shall be occupied by the member of the Railroad Commission of Texas whose term of office expires in 1996. This ex officio position is not a separate and distinct office but an additional duty imposed on the office of railroad commissioner.~~

(5) Places 4 and 5 shall be occupied by persons serving on the

board on June 1, 1993, whose terms would expire on June 1, 1997, except for the abolition of the authority as provided by Section 4.14, Chapter 7, Acts of the 72nd Legislature, 1st Called Session, 1991.

SECTION 4. Section 6(b), Texas High-Speed Rail Act (Article 6674v.2, Revised Statutes), is amended to read as follows:

(b) The board may:

(1) accept donations, contributions, grants, or gifts from any source for any purpose; however, legislative appropriations or other state funds may be used only for planning but not for financing, acquisition, construction, maintenance, or operation of the high-speed rail facility;

(2) acquire by contract purchase, grant, purchase, gift, devise, lease, or contribution from any source and hold, use, sell, lease, or dispose of any property, including property of a franchisee;

(3) grant a franchise for the financing, construction, improvement, use, or operation of all or part of a high-speed rail facility in incorporated and unincorporated areas of the state;

(4) use, close, relocate, raise, reroute, impact, change the grade of, or alter the construction of a street, alley, highway, or road with the approval of the ~~Texas~~ [State] Department of ~~[Highways and Public]~~ Transportation and may also close, relocate, change the grade of, or alter the construction of a railroad, electric line, electric facility, telegraph and telephone property or facility, pipeline, pipeline facility, or other property, whether publicly or privately owned, as necessary or useful in the construction, reconstruction, repair, maintenance, or operation of a high-speed rail facility, at the expense of the authority which in all cases must be reimbursed by the franchisee or others pursuant to this Act;

(5) regulate outdoor advertising, signs, junkyards, and automobile graveyards located adjacent to a right-of-way of the authority in the same manner that the ~~Texas~~ [State Highway and Public] Transportation Commission regulates such uses and conditions along the main traveled way of the interstate or primary highway systems under Article IV, Section 1, Chapter 741, Acts of the 67th Legislature, Regular Session, 1981 (Article 4477-9a, Vernon's Texas Civil Statutes);

(6) employ and remove any person, firm, partnership, or corporation considered necessary by the board for the conduct of the affairs of the authority, including a general manager, bookkeepers, auditors, engineers, attorneys, financial advisors, and advisors;

(7) receive services from the state, the Railroad Commission of Texas, the Texas Department of Commerce, the ~~Texas~~ [State] Department of ~~[Highways and Public]~~ Transportation, the Texas Turnpike Authority, other state agency having statewide jurisdiction, or any county, municipal corporation, or other political subdivision of the state for the acquisition of a high-speed rail facility;

(8) adopt and implement rules and management policies ~~[including those for the investment of public funds]~~ necessary to implement this Act;

(9) exercise the power of eminent domain provided the cost thereof is paid by the franchisee; and

(10) in performing its duties under this Act, contract or cooperate with any person, corporation, or entity.

SECTION 5. Effective September 1, 1995, Section 6(b), Texas High-Speed Rail Act (Article 6674v.2, Revised Statutes), as amended by Section 4.02, Chapter 7, Acts of the 72nd Legislature, 1st Called Session, 1991, is amended to read as follows:

(b) The Railroad Commission of Texas may:

(1) accept donations, contributions, grants, or gifts from any source for any purpose; however, legislative appropriations or other state funds may be used only for planning but not for financing, acquisition, construction, maintenance, or operation of the high-speed rail facility;

(2) acquire by contract purchase, grant, purchase, gift, devise, lease, or contribution from any source and hold, use, sell, lease, or dispose of any property, including property of a franchisee;

(3) grant a franchise for the financing, construction, improvement, use, or operation of all or part of a high-speed rail facility in incorporated and unincorporated areas of the state;

(4) use, close, relocate, raise, reroute, impact, change the grade of, or alter the construction of a street, alley, highway, or road with the approval of the Texas Department of Transportation and may also close, relocate, change the grade of, or alter the construction of a railroad, electric line, electric facility, telegraph and telephone property or facility, pipeline, pipeline facility, or other property, whether publicly or privately owned, as necessary or useful in the construction, reconstruction, repair, maintenance, or operation of a high-speed rail facility, at the expense of the authority which in all cases must be reimbursed by the franchisee or others pursuant to this Act;

(5) regulate outdoor advertising, signs, junkyards, and automobile graveyards located adjacent to a right-of-way of the authority in the same manner that the Texas Transportation Commission regulates such uses and conditions along the main traveled way of the interstate or primary highway systems under Article V, Section 1, Chapter 741, Acts of the 67th Legislature, Regular Session, 1981 (Article 4477-9a, Vernon's Texas Civil Statutes);

(6) employ and remove any person, firm, partnership, or corporation considered necessary by the board for the conduct of the affairs of the authority, including a general manager, bookkeepers, auditors, engineers, attorneys, financial advisors, and advisors;

(7) receive services from the state, the Texas Department of Commerce, the Texas Department of Transportation, other state agencies having statewide jurisdiction, or any county, municipal corporation, or other political subdivision of the state for the acquisition of a high-speed rail facility;

(8) adopt and implement rules and management policies [~~including those for the investment of public funds~~] necessary to implement this Act;

(9) exercise the power of eminent domain provided the cost thereof is paid by the franchisee; and

(10) in performing its duties under this Act, contract or cooperate with any person, corporation, or entity.

SECTION 6. Part I, Texas High-Speed Rail Act (Article 6674v.2,

Revised Statutes), is amended by adding Sections 6B and 6C to read as follows:

Sec. 6B. OUTSIDE COUNSEL FOR LEGAL SERVICES. (a) In performing its duties under this Act, the board may not enter a contract for legal services with an attorney, other than a full-time employee of the agency, without the approval of the attorney general. If the attorney general denies approval of a contract under this subsection, the attorney general shall provide the board with legal services to administer this Act as the attorney general determines appropriate.

(b) For purposes of this section, the functions of a hearing examiner, administrative law judge, or other quasi-judicial officer are not considered legal services.

Sec. 6C. USE OF EXISTING RIGHT-OF-WAY. The board shall, to the greatest extent practicable, make use of available existing highway or rail right-of-way for a high-speed rail facility.

SECTION 7. Effective September 1, 1995, Part I, Texas High-Speed Rail Act (Article 6674v.2, Revised Statutes), is amended by adding Sections 6B and 6C to read as follows:

Sec. 6B. OUTSIDE COUNSEL FOR LEGAL SERVICES. (a) In performing its duties under this Act, the commission may not enter a contract for legal services with an attorney, other than a full-time employee of the agency, without the approval of the attorney general. If the attorney general denies approval of a contract under this subsection, the attorney general shall provide the commission with legal services to administer this Act as the attorney general determines appropriate.

(b) For purposes of this section, the functions of a hearing examiner, administrative law judge, or other quasi-judicial officer are not considered legal services.

Sec. 6C. USE OF EXISTING RIGHT-OF-WAY. The commission shall, to the greatest extent practicable, make use of available existing highway or rail right-of-way for a high-speed rail facility.

SECTION 8. Section 18(b), Texas High-Speed Rail Act (Article 6674v.2, Revised Statutes), is amended to read as follows:

(b) The board shall:

- (1) determine the fiscal year of the authority;
- (2) establish an accounting system for the authority;
- (3) have audits prepared of authority affairs by the state auditor or by an independent certified public accountant, as determined to be necessary by the state auditor; and
- (4) ~~designate one or more banks to serve as a depository for authority funds; and~~

~~[(5)] deposit all money received by the authority to the credit of a special fund in the state treasury to be known as the Texas high-speed rail fund [in a depository bank unless otherwise required by an order authorizing the issuance of authority bonds].~~

SECTION 9. Effective September 1, 1995, Section 18(b), Texas High-Speed Rail Act (Article 6674v.2, Revised Statutes), as amended by Section 4.09, Chapter 7, Acts of the 72nd Legislature, 1st Called Session, 1991, is amended to read as follows:

(b) The commission shall:

(1) have audits prepared of authority affairs by the state auditor or by an independent certified public accountant, as determined to be necessary by the state auditor; and

(2) ~~designate one or more banks to serve as a depository for authority funds; and~~

~~[(3)] deposit all money received by the authority to the credit of a special fund in the state treasury to be known as the Texas high-speed rail fund [in a depository bank unless otherwise required by an order authorizing the issuance of authority bonds].~~

SECTION 10. Section 19(a), Texas High-Speed Rail Act (Article 6674v.2, Revised Statutes), is amended to read as follows:

(a) Before the beginning of each fiscal year and before the authority conducts business for that fiscal year, the board shall, after a public hearing, adopt an annual budget that specifies the major expenditures of the authority by type and amount.

SECTION 11. Effective September 1, 1995, Section 19(a), Texas High-Speed Rail Act (Article 6674v.2, Revised Statutes), as amended by Section 4.10, Chapter 7, Acts of the 72nd Legislature, 1st Called Session, 1991, is amended to read as follows:

(a) Before the beginning of each fiscal year and before the authority conducts business for that fiscal year, the commission shall, after a public hearing, adopt an annual budget that specifies the major expenditures of the authority by type and amount.

SECTION 12. Section 24, Texas High-Speed Rail Act (Article 6674v.2, Revised Statutes), is amended by adding Subsection (l) to read as follows:

(l) Not later than December 31, 1993, an entity holding a franchise under this Act on September 1, 1993, shall provide to the authority a map of the preferred route on which the entity intends to operate its high-speed rail facility. The actual route of the high-speed rail facility may differ from the preferred route because of environmental impacts, safety considerations, technology requirements, economic consequences, or other factors that are unforeseeable by the franchisee at the time it submits the map of the preferred route. If a franchise is awarded under this Act after September 1, 1993, the authority shall require the franchisee to submit a map of its preferred route within a reasonable time after the award of the franchise. A franchisee is obligated to construct and operate a high-speed rail facility along a preferred route submitted under this subsection except as provided by this subsection.

SECTION 13. The following provisions of the Texas High-Speed Rail Act (Article 6674v.2, Revised Statutes) are repealed:

(1) Section 18(c);

(2) Section 18(d);

(3) Section 18(d), as amended by Section 4.09, Chapter 7, Acts of the 72nd Legislature, 1st Called Session, 1991; and

(4) Section 20.

SECTION 14. The change in law made by Section 3 of this Act does not affect the transfer of the duties of the Texas High-Speed Rail Authority

to the Railroad Commission of Texas and the abolition of the board of directors as provided by Section 4.14, Chapter 7, Acts of the 72nd Legislature, 1st Called Session, 1991.

SECTION 15. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 1993.

(b) Sections 5, 7, 9, and 11 of this Act take effect September 1, 1995.

SECTION 16. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted by a viva voce vote.

RECORD OF VOTES

Senators Leedom, Turner, Wentworth, Sibley, and Armbrister asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Turner and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 787 ON THIRD READING

Senator Turner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 787 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 24 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 24, Relating to investment of county funds by electronic means.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 24 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 24 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 174 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 174, Relating to the licensing and training of peace officers and reserve law enforcement officers, and other persons by the Commission on Law Enforcement Officer Standards and Education.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 174 ON THIRD READING**

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 174** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 23 ON SECOND READING**

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 23, Relating to the protection of certain animals; providing civil and criminal penalties.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 23** as follows:

On page 4, line 65, add new SECTION 2 and renumber subsequent sections accordingly:

SECTION 2. Section 43.021, Parks & Wildlife Code, is amended to read as follows:

Sec. 43.021. Protected Wildlife. In this subchapter, "protected wildlife" means all animals, birds, fish, and other aquatic life the taking, possession, or propagation of which is regulated by law or by the ~~[department]~~ commission and includes endangered species. provided, however, that for purposes of this subchapter, "protected wildlife" shall not include marine mammals protected under the federal Marine Mammal

Protection Act 16 U.S.C. Section 1362, et seq., and any amendments thereto, except for those marine mammals for which the department has been delegated "management authority" under the Marine Mammal Protection Act, 16 U.S.C. Section 1379.

The amendment was read and was adopted by a viva voce vote.

Senator Moncrief offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 23 as follows:

On page 5, strike lines 6, 7, and 8 and substitute the following:

Sec. 68.011. SCOPE OF CHAPTER. This chapter applies only to endangered species or subspecies of fish or wildlife that are indigenous to Texas, provided, however, that this chapter shall not apply to Marine Mammal Protection Act, 16 U.S.C. Section 1362, et seq., and any amendments thereto, except for those marine mammals for which the department has been delegated "management authority" under the Marine Mammal Protection Act, 16 U.S.C. Section 1379.

The amendment was read and was adopted by a viva voce vote.

Senator Moncrief offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 23 as follows:

On page 5, line 28, replace "restricted wild animal" with "endangered fish or wildlife".

The amendment was read and was adopted by a viva voce vote.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 4

Amend C.S.S.B. 23 by adding the following section and renumber accordingly:

Section 14. Section 64.002(c) is amended to read as follows:

(c) Canaries, parrots, and other exotic nongame birds, other than red-lored parrots, green parakeets, yellow headed parrots, and red crowned parrots that have been captured from the wild in Texas after September 1, 1993 or hatched after September 1, 1993 from eggs from individuals captured from the wild in Texas, may be sold, purchased, and kept as domestic pets.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Moncrief and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 23 ON THIRD READING**

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 23 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 315 ON SECOND READING**

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 315, Relating to the application of the professional prosecutors law to certain district and county attorneys.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

Amend C.S.S.B. 315 as follows:

Add "53rd" to Sec. 46.002(1) in Section 2 to read as follows:

(1) the district attorneys for the 2nd, 8th, 9th, 12th, 18th, 21st, 22nd, 26th, 27th, 29th, 34th, 35th, 36th, 38th, 43rd, 47th, 49th, 51st, 52nd, 53rd, 63rd, 64th, 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th, 90th, 97th, 105th, 106th, 110th, 118th, 119th, 123rd, 142nd, 145th, 159th, 173rd, 196th, 198th, 216th, 220th, 229th, 235th, 253rd, 266th, 268th, 271st, 286th, 349th, and 355th judicial districts;

Add a new SECTION 3 to read as follows:

SECTION 3. Section 43.132, Government Code, is amended to read as follows:

Sec. 43.132. 53rd Judicial District. (a) The voters of the 53rd Judicial District elect a district attorney. In addition to performing the other duties provided by law for district attorneys, the district attorney represents the state in all criminal cases before all the district courts of Travis County.

(b) ~~[The district attorney is entitled to receive a salary in an amount equal to the total salary paid from state and county funds to the judge of the 53rd District Court, excluding any funds to the judge with reference to juvenile board matters. The Commissioners Court of Travis County may supplement the salary of the district attorney, but the total compensation of the district attorney may not exceed the limitation provided by this subsection.]~~

~~(c)~~ The Commissioners Court of Travis County may supplement the salaries paid by the state to the assistant district attorneys and to the district attorney.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Carriker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 315 ON THIRD READING**

Senator Carriker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 315 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 981 ON SECOND READING

On motion of Senator Patterson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 981, Relating to the approval of certain laboratories by the Texas Department of Health.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 981 ON THIRD READING

Senator Patterson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 981** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 982 ON SECOND READING

On motion of Senator Patterson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 982, Relating to the authority of the Texas Department of Human Services to assess monetary penalties against a home or community care provider.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 982 ON THIRD READING

Senator Patterson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 982** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 1186 ON SECOND READING

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1186, Relating to the Texas Natural Death Act.

The bill was read second time and was passed to engrossment by a viva voce vote.

(Senator Henderson in Chair)

SENATE BILL 1186 ON THIRD READING

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1186** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Leedom, Sibley.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Leedom and Sibley asked to be recorded as voting "Nay" on the final passage of the bill.

COMMITTEE SUBSTITUTE

SENATE BILL 842 ON THIRD READING

The Presiding Officer laid before the Senate **C.S.S.B. 842** on its third reading and final passage, the bill having been read third time on Wednesday, April 7, 1993.

C.S.S.B. 842, Relating to the power of certain licensing agencies to issue subpoenas in enforcement proceedings.

Question—Shall the bill be finally passed?

The bill was finally passed by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 695 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 695, Relating to powers and duties of certain municipal hospital authorities.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 695 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 695 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time.

Senator Barrientos offered the following amendment to the bill:

Amend C.S.S.B. 695 as follows:

On page 2, line 15, delete proposed Subsection (d) and renumber subsequent subsections.

By unanimous consent, the amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

SENATE BILL 1035 ON SECOND READING

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1035, Relating to regulation of certain motor vehicle dealers and the sale, titling, and registration of certain motor vehicles.

The bill was read second time.

Senator Ratliff offered the following amendment to the bill:

Amend S.B. 1035 as follows:

(1) On page 1, line 49, insert the following after the period and before "The": "The liability imposed on the surety under this section is limited to the face amount of the bond for the amount of the valid bank drafts, including checks, drawn by the applicant for the purchase of motor vehicles, or the amount paid to the applicant for the motor vehicle for which good title was not delivered, and for attorney's fees that are reasonable in relation to the work performed and are incurred in the recovery of a judgment for an act or omission on which the bond was conditioned. The surety on a bond is not liable for successive claims in excess of the bond amount, regardless of the number of claims made against the bond or the number of years that the bond remains in force."

(2) On page 1, between lines 50 and 51 insert a new Section 2 to read as follows:

SECTION 2. The changes in law made by Section 1 of this Act apply to a surety bond executed under Section (a)(1-A)(vii), Article 6686, Revised Statutes, on or after the effective date of this Act, and to a surety bond that was executed under that section of that article before the effective date of this Act except as to any claim that had accrued before the effective date of this Act.

(3) Renumber subsequent sections appropriately.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Ratliff and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1035 ON THIRD READING

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 1035 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

(President in Chair)

SENATE BILL 1104 ON SECOND READING

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1104, Relating to the escape of a child while an appeal is pending.

The bill was read second time.

Senator Shapiro offered the following committee amendment to the bill:

Committee Amendment

Amend S.B. 1104 in SECTION 1, Section 56.03, as follows:

(1) On line 13 following "pending appeal." add "On receipt of the report the district or county attorney shall notify the appellate court of the fact of the escape."

The committee amendment was read and was adopted by a viva voce vote.

Senator Montford offered the following amendment to the bill:

Floor Amendment

Amend S.B. 1104 by deleting lines 26 through 33 and substituting in lieu thereof the following:

Sec. 56.03. ESCAPE OF A CHILD. When any escape from custody by a child occurs while the child has an appeal pending, the Texas Youth Commission or any juvenile detention facility where the child was in custody shall immediately report the fact under oath to the district or county attorney of the county in which the judgment of adjudication or transfer was had. The report shall be prima facie evidence of the fact of the escape, and, upon petition by the district or county attorney, shall authorize the dismissal of the child's pending appeal.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Shapiro and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1104 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 1104 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Harris of Tarrant asked to be recorded as voting "Nay" on the final passage of the bill.

COMMITTEE SUBSTITUTE

SENATE BILL 1101 ON SECOND READING

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1101, Relating to application and eligibility for AFDC benefits and services.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 1101 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1101 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 561 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 561, Relating to licensing exemptions for wholesale distribution of prescription drugs.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 561 ON THIRD READING**

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 561** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 176 WITH HOUSE AMENDMENTS

Senator Parker called **S.B. 176** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment No. 1

Amend **S.B. 176**, Section 1, page 5, line 23, by inserting following "(insert your name and address)" my social security number is_____
(insert your property SS#)

Amend **S.B. 176**, Section 1, page 11, line 3, by inserting following "agent" without further reference to a specific description of the real property

Amendment No. 1 on Third Reading

Amend **S.B. 176** on third reading by amending the first two lines of the Cook amendment adopted on 2nd reading to read as follows:

Amend Section 1, page 5, line 23 by inserting following "(insert your name and address)" my social security number is_____(insert your proper SS#)

The amendments were read.

On motion of Senator Parker and by unanimous consent, the Senate concurred in the House amendments to **S.B. 176** by a viva voce vote.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

H.C.R. 17	H.B. 343
H.C.R. 39	H.B. 424
H.C.R. 16	

MESSAGE FROM THE HOUSE

House Chamber
April 15, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 99, Commending Dolores Robinson for her outstanding contributions to the entertainment industry.

Respectfully,
BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 1326 REREFERRED

On motion of Senator Parker and by unanimous consent, **S.B. 1326** was withdrawn from the Committee on Natural Resources and was rereferred to the Committee on Economic Development.

SENATE BILL 1373 REREFERRED

On motion of Senator Parker and by unanimous consent, **S.B. 1373** was withdrawn from the Committee on Natural Resources and was rereferred to the Committee on Economic Development.

NOMINEE RECOMMITTED

On motion of Senator Barrientos and by unanimous consent, the nomination of Amy Ruth Johnson, to be Public Counsel for the Office of Public Insurance Counsel, was recommitted to the Committee on Nominations.

**SENATE RULE 11.11 SUSPENDED
(Posting Rule)**

On motion of Senator Barrientos and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Nominations might consider the nomination of Amy Ruth Johnson, to be Public Counsel for the Office of Public Insurance Counsel, today.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Parker and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Economic Development might consider the following bills today:

S.B. 1326
S.B. 1373

CONGRATULATORY RESOLUTIONS

S.R. 614 - By Wentworth, Shapiro: Congratulating Mrs. Etta Olney of Plano on the occasion of her 100th birthday.

S.R. 615 - By Sibley: Recognizing the new Texas Sports Hall of Fame, which is celebrating its grand opening in Waco.

S.R. 616 - By Sibley: Recognizing The Waxahachie Daily Light for being chosen for five awards by the Texas Associated Press Managing Editors' Association.

S.R. 617 - By Parker: Honoring the South East Texas Foster Grandparent Program, which provides help for youth considered to be at-risk.

S.R. 618 - By Parker: Congratulating Clarence Traube on being presented with the Service to Mankind Award by the Evening Sertoma Club of Port Arthur.

S.R. 619 - By Turner: Congratulating the Crockett High School Small School Champion Academic Decathlon Team for its showing in the state championship meet in San Antonio.

ADJOURNMENT

On motion of Senator Harris of Dallas, the Senate at 11:19 a.m. adjourned until 11:00 a.m. Monday, April 19, 1993.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

April 15, 1993

INTERGOVERNMENTAL RELATIONS — C.S.S.B. 784, C.S.S.B. 719, C.S.S.B. 631, C.S.S.B. 594, S.B. 588 (Amended), S.B. 490, S.B. 434, H.B. 86, H.B. 684, H.B. 1074, H.B. 721, C.S.S.B. 1229, S.B. 1140, S.B. 798, S.B. 1322, S.J.R. 17 (Amended), C.S.S.J.R. 31, S.J.R. 36, C.S.S.B. 112

EDUCATION — C.S.S.B. 491, C.S.S.B. 1324, C.S.S.B. 997, C.S.S.B. 954, C.S.S.B. 846, C.S.S.B. 826, C.S.S.B. 493, H.B. 45, S.C.R. 66, S.B. 1342, S.B. 1237, S.B. 847, S.B. 685

FINANCE — C.S.S.B. 29, C.S.S.B. 1201, C.S.S.B. 819

ECONOMIC DEVELOPMENT — C.S.S.B. 1139, C.S.S.B. 1051, C.S.S.B. 835, S.B. 26, H.B. 1076, H.B. 840, H.B. 154, S.B. 1373, C.S.S.B. 1225, S.B. 1070, S.B. 1326

FINANCE — S.B. 1199, C.S.S.B. 752, C.S.S.B. 751, C.S.S.B. 878, C.S.S.B. 1254, C.S.H.B. 819

NATURAL RESOURCES — H.B. 1320, S.B. 521, S.B. 399, S.B. 1132

FORTY-NINTH DAY

(Monday, April 19, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Harris of Dallas, Henderson.

A quorum was announced present.

Ibrahim Al-Hayek, Islamic Center of Greater Austin, offered the invocation as follows:

O God, we come before You today to humbly ask Your blessing upon this Senate. We ask You to guide them to the truth, to help them to act justly, and to guide them to decisions that will bring peace and security.

O God, help them to remember Your blessings and to be grateful for Your mercies.

We ask You to help them to establish justice for us, our children, and our children's children. It is You and You alone who can grant us help and success, and it is to You and You alone that we pray. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 15, 1993, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

On motion of Senator Truan, Senator Harris of Dallas was granted leave of absence for today on account of important business.

On motion of Senator Brown, Senator Henderson was granted leave of absence for today on account of important business.